106TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. 106–499
Part 1

CONSERVATION AND REINVESTMENT ACT OF 1999

FEBRUARY 16, 2000.—Ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 701]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation and Reinvestment Act of 1999".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "coastal population" means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 and following).

(2) The term "coastal political subdivision" means a political subdivision of a coastal State all or part of which political subdivision is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(3) The term "coastal State" has the same meaning as provided by section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(4) The term "coastline" has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 and following).

(5) The term "distance" means minimum great circle distance, measured in statute miles.

(6) The term "fiscal year" means the Federal Government's accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

(7) The term "Governor" means the highest elected official of a State or of any other political entity that is defined as, or treated as, a State under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and following), the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act, the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following), the National Historic Preservation Act (16 U.S.C. 470h and following), or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note).

(8) The term "leased tract" means a tract, leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(9) The term "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of "lands beneath navigable waters" as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(10) The term "political subdivision" means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(11) The term "producing State" means a State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.)

(12) The term "qualified Outer Continental Shelf revenues" means (except as otherwise provided in this paragraph) all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act. Such term does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(13) The term "Secretary" means the Secretary of the Interior or the Secretary's designee, except as otherwise specifically provided.

(14) The term "Fund" means the Conservation and Reinvestment Act Fund established under section 5.

SEC. 4. ANNUAL REPORTS.

(a) STATE REPORTS.—On June 15 of each year, each Governor receiving moneys from the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretaries, a description of all projects and activities receiving funds under this Act. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted under other provisions of law to the Secretary concerned by the Governor regarding any portion of such moneys.

(b) REPORT TO CONGRESS.—On January 1 of each year the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Inte-

rior and the Secretary of Agriculture from the Fund during the previous fiscal year and summarizing the contents of the Governors' reports submitted to the Secretaries under subsection (a).

SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund which shall be known as the "Conservation and Reinvestment Act Fund". In each fiscal year after the fiscal year 2000, the Secretary of the Treasury shall deposit into the Fund the following amounts:

(1) OCS REVENUES.—An amount in each such fiscal year from qualified Outer Continental Shelf revenues equal to the difference between $2,825,000,000 and the amounts deposited in the Fund under paragraph (2), notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(2) AMOUNTS NOT DISBURSED.—All allocated but undisbursed amounts returned to the Fund under section 101(a)(2).

(3) INTEREST.—All interest earned under subsection (d) that is not made available under paragraph (2) or (4) of that subsection.

(b) TRANSFER FOR EXPENDITURE.—In each fiscal year after the fiscal year 2001, the Secretary of the Treasury shall transfer amounts deposited into the Fund as follows:

(1) $1,000,000,000 to the Secretary of the Interior for purposes of making payments to coastal States under title I of this Act.

(2) To the Land and Water Conservation Fund for expenditure as provided in section 3(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6(a)) such amounts as are necessary to make the income of the fund $900,000,000 in each such fiscal year.

(3) $350,000,000 to the Federal aid to wildlife restoration fund established under section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b).

(4) $125,000,000 to the Secretary of the Interior to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

(5) $100,000,000 to the Secretary of the Interior to carry out the National Historic Preservation Act (16 U.S.C. 470 and following).

(6) $200,000,000 to the Secretary of the Interior and the Secretary of Agriculture to carry out title VI of this Act.

(7) $150,000,000 to the Secretary of the Interior to carry out title VII of this Act with (A) $100,000,000 of such amount transferred to the Secretary of the Interior for purposes of subtitle A of title VII and (B) $50,000,000 of such amount transferred to the Secretary of the Interior for purposes of subtitle B of title VII.

(c) SHORTFALL.—If amounts deposited into the Fund in any fiscal year after the fiscal year 2000 are less than $2,825,000,000, the amounts transferred under paragraphs (1) through (7) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) INTEREST.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest moneys in the Fund in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(2) USE OF INTEREST.—Except as provided in paragraphs (3) and (4), interest earned on such moneys shall be available, without further appropriation, for obligation or expenditure under—

(A) chapter 69 of title 31 of the United States Code (relating to PILT), and

(B) section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating to refuge revenue sharing).

In each fiscal year such interest shall be allocated between the programs referred to in subparagraph (A) and (B) in proportion to the amounts authorized and appropriated for that fiscal year under other provisions of law for purposes of such programs.

(3) CEILING ON EXPENDITURES OF INTEREST.—Amounts made available under paragraph (2) in each fiscal year shall not exceed the lesser of the following:

(A) $200,000,000.

(B) The total amount authorized and appropriated for that fiscal year under other provisions of law for purposes of the programs referred to in subparagraphs (A) and (B) of paragraph (2).

(4) TITLE III INTEREST.—All interest attributable to amounts transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of title III of this Act (and the amendments made by such title III) shall be available, without further appropriation, for obligation or expenditure for purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following)

(e) REFUNDS.—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, such refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund.

SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity. Nothing in this section shall affect the prohibition contained in section 4(c)(3) of the Federal Aid in Wildlife Restoration Act (as amended by this Act).

SEC. 7. BUDGETARY TREATMENT OF RECEIPTS AND DISBURSEMENTS.

Notwithstanding any other provision of law, the receipts and disbursements of funds under this Act and the amendments made by this Act—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget (including allocations of budget authority and outlays provided therein); or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 8. RECORDKEEPING REQUIREMENTS.

The Secretary of the Interior in consultation with the Secretary of Agriculture shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this Act as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. 9. MAINTENANCE OF EFFORT AND MATCHING FUNDING.

(a) IN GENERAL.—Except as provided in subsection (b), no State or local government shall receive any funds under this Act during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for programs for which funding is provided under this Act will be less than its expenditures were for such programs during the preceding fiscal year. No State or local government shall receive any funding under this Act with respect to a program unless the Secretary is satisfied that such a grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds available for such program. In order for the Secretary to provide funding under this Act in a timely manner each fiscal year, the Secretary shall compare a State or local government's prospective expenditure level to that of its second preceding fiscal year.

(b) EXCEPTION.—The Secretary may provide funding under this Act to a State or local government not meeting the requirements of subsection (a) if the Secretary determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the State or local government.

(c) USE OF FUND TO MEET MATCHING REQUIREMENTS.—All funds received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with any provision in effect under any other law requiring that non-Federal funds be used to provide a portion of the funding for any program or project.

SEC. 10. SUNSET.

This Act, including the amendments made by this Act, shall have no force or effect after September 30, 2015.

SEC. 11. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) SAVINGS CLAUSE.—Nothing in the Act shall authorize that private property be taken for public use, without just compensation as provided by the Fifth and Fourteenth amendments to the United States Constitution.

(b) REGULATION.—Federal agencies, using funds appropriated by this Act, may not apply any regulation on any lands until the lands or water, or an interest therein, is acquired, unless authorized to do so by another Act of Congress.

SEC. 12. SIGNS.

(a) IN GENERAL.—The Secretary shall require, as a condition of any financial assistance provided with amounts made available by this Act, that the person that owns or administers any site that benefits from such assistance shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such assistance.

(b) STANDARDS.—The Secretary shall provide for the design of standardized signs for purposes of subsection (a), and shall prescribe standards and guidelines for such signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

(1) GRANT PROGRAM.—Amounts transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund under section 5(b)(1) of this Act for purposes of making payments to coastal States under this title in any fiscal year shall be allocated by the Secretary of the Interior among coastal States as provided in this section in each such fiscal year. In each such fiscal year, the Secretary of the Interior shall, without further appropriation, disburse such allocated funds to those coastal States for which the Secretary has approved a Coastal State Conservation and Impact Assistance Plan as required by this title. Payments for all projects shall be made by the Secretary to the Governor of the State or to the State official or agency designated by the Governor or by State law as having authority and responsibility to accept and to administer funds paid hereunder. No payment shall be made to any State until the State has agreed to provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this title, and provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal revenues paid to the State under this title.

(2) FAILURE TO HAVE PLAN APPROVED.—At the end of each fiscal year, the Secretary shall return to the Conservation and Reinvestment Act Fund any amount that the Secretary allocated, but did not disburse, in that fiscal year to a coastal State that does not have an approved plan under this title before the end of the fiscal year in which such grant is allocated, except that the Secretary shall hold in escrow until the final resolution of the appeal any amount allocated, but not disbursed, to a coastal State that has appealed the disapproval of a plan submitted under this title.

(b) ALLOCATION AMONG COASTAL STATES.—

(1) ALLOCABLE SHARE FOR EACH STATE.—For each coastal State, the Secretary shall determine the State's allocable share of the total amount of the revenues transferred from the Fund under section 5(b)(1) for each fiscal year using the following weighted formula:

(A) 50 percent of such revenues shall be allocated among the coastal States as provided in paragraph (2).

(B) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's shoreline miles to the shoreline miles of all coastal States.

(C) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's coastal population to the coastal population of all coastal States.

(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph. Such State share shall be calculated as of the date of the enactment of this Act for the first 5-fiscal year period during which funds are disbursed under this title and recalculated on the anniversary of such date each fifth year thereafter for each succeeding 5-fiscal year period. Each such State's allocable

share of the revenues disbursed under paragraph (1)(A) shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary for the 5-year period concerned. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) MINIMUM STATE SHARE.—

(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act (16 U.S.C. 1451)), or which is making satisfactory progress toward one, shall not be less in any fiscal year than 0.50 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under subsection (a). For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the case of a producing State, the Governor of the State shall pay 50 percent of the State's allocable share, as determined under subsection (b), to the coastal political subdivisions in such State. Such payments shall be allocated among such coastal political subdivisions of the State according to an allocation formula analogous to the allocation formula used in subsection (b) to allocate revenues among the coastal States, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in subsection (b)(1)(A) and (b)(2) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of any leased tract.

(d) TIME OF PAYMENT.—Payments to coastal States and coastal political subdivisions under this section shall be made not later than December 31 of each year from revenues received during the immediately preceding fiscal year.

SEC. 102. COASTAL STATE CONSERVATION AND IMPACT ASSISTANCE PLANS.

(a) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—Each coastal State seeking to receive grants under this title shall prepare, and submit to the Secretary, a Statewide Coastal State Conservation and Impact Assistance Plan. In the case of a producing State, the Governor shall incorporate the plans of the coastal political subdivisions into the Statewide plan for transmittal to the Secretary. The Governor shall solicit local input and shall provide for public participation in the development of the Statewide plan. The plan shall be submitted to the Secretary by April 1 of the calendar year after the calendar year in which this Act is enacted.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Approval of a Statewide plan under subsection (a) is required prior to disbursement of funds under this title by the Secretary. The Secretary shall approve the Statewide plan if the Secretary determines, in consultation with the Secretary of Commerce, that the plan is consistent with the uses set forth in subsection (c) and if the plan contains each of the following:

(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this title.

(B) A program for the implementation of the plan which, for producing States, includes a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf.

(C) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

(D) Measures for taking into account other relevant Federal resources and programs. The plan shall be correlated so far as practicable with other State, regional, and local plans.

(2) PROCEDURE AND TIMING; REVISIONS.—The Secretary shall approve or disapprove each plan submitted in accordance with this section. If a State first submits a plan by not later than 90 days before the beginning of the first fiscal year to which the plan applies, the Secretary shall approve or disapprove the plan by not later than 30 days before the beginning of that fiscal year.

(3) AMENDMENT OR REVISION.—Any amendment to or revision of the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval. Any such amendment or revision shall take effect only for fiscal years after the fiscal year in which the amendment or revision is approved by the Secretary.

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—The funds provided under this title to a coastal State and for coastal political subdivisions are authorized to be used only for one or more of the following purposes:

(1) Data collection, including but not limited to fishery or marine mammal stock surveys in State waters or both, cooperative State, interstate, and Federal fishery or marine mammal stock surveys or both, cooperative initiatives with university and private entities for fishery and marine mammal surveys, activities related to marine mammal and fishery interactions, and other coastal living marine resources surveys.

(2) The conservation, restoration, enhancement, or creation of coastal habitats.

(3) Cooperative Federal or State enforcement of marine resources management statutes.

(4) Fishery observer coverage programs in State or Federal waters.

(5) Invasive, exotic, and nonindigenous species identification and control.

(6) Coordination and preparation of cooperative fishery conservation and management plans between States including the development and implementation of population surveys, assessments and monitoring plans, and the preparation and implementation of State fishery management plans developed by interstate marine fishery commissions.

(7) Preparation and implementation of State fishery or marine mammal management plans that comply with bilateral or multilateral international fishery or marine mammal conservation and management agreements or both.

(8) Coastal and ocean observations necessary to develop and implement real time tide and current measurement systems.

(9) Implementation of federally approved marine, coastal, or comprehensive conservation and management plans.

(10) Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure.

(11) Projects that promote research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources.

(d) COMPLIANCE WITH AUTHORIZED USES.—Based on the annual reports submitted under section 4 of this Act and on audits conducted by the Secretary under section 8, the Secretary shall review the expenditures made by each State and coastal political subdivision from funds made available under this title. If the Secretary determines that any expenditure made by a State or coastal political subdivision of a State from such funds is not consistent with the authorized uses set forth in subsection (c), the Secretary shall not make any further grants under this title to that State until the funds used for such expenditure have been repaid to the Conservation and Reinvestment Act Fund.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

SEC. 201. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and following)

SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 2(c) is amended to read as follows:

"(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act of 1999.".

SEC. 203. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 460l–6) is amended to read as follows:

"APPROPRIATIONS

"SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than $900,000,000 in any fiscal year after the fiscal year 2001. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2001 without further appropriation to carry out this Act.

"(b) OBLIGATION AND EXPENDITURE OF AVAILABLE AMOUNTS.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.".

SEC. 204. ALLOCATION OF FUND.

Section 5 (16 U.S.C. 460l–7) is amended to read as follows:

"ALLOCATION OF FUNDS

"SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

"(1) 50 percent shall be available for Federal purposes (in this Act referred to as the 'Federal portion'); and

"(2) 50 percent shall be available for grants to States.".

SEC. 205. USE OF FEDERAL PORTION.

Section 7 (16 U.S.C. 460l–9) is amended by adding at the end the following:

"(d) USE OF FEDERAL PORTION.—

"(1) APPROVAL BY CONGRESS REQUIRED.—The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.

"(2) WILLING SELLER REQUIREMENT.—The Federal portion may not be used to acquire any property unless—

"(A) the owner of the property concurs in the acquisition; or

"(B) acquisition of that property is specifically approved by an Act of Congress.

"(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

"(1) RESTRICTION ON USE.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress. This list shall include an inventory of surplus lands under the administrative jurisdiction of the Secretary of the Interior and the Secretary of Agriculture for which there is no demonstrated compelling program need.

"(2) TRANSMISSION OF LIST.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

"(B) In preparing each list, the Secretary shall—

"(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

"(ii) consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

"(iii) consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

"(iv) identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and

"(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

"(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list shall include, for each proposed acquisition included in the list—

"(A) citation of the statutory authority for the acquisition, if such authority exists; and

"(B) an explanation of why the particular interest proposed to be acquired was selected.

"(f) NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e) for the fiscal year, provides notice of the proposed acquisition—

"(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

"(A) the land; or

"(B) any part of any federally designated unit that includes the land;

"(2) in writing to the Governor of the State in which the land is located;

"(3) in writing to each State political subdivision having jurisdiction over the land; and

"(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

"(g) COMPLIANCE WITH REQUIREMENTS UNDER FEDERAL LAWS.—

"(1) IN GENERAL.—The Federal portion for a fiscal year may not be used to acquire any interest in land or water unless the following have occurred:

"(A) All actions required under Federal law with respect to the acquisition have been complied with.

"(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

"(C) A notice of the availability of such statement or assessment and of such summary is provided to—

"(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

"(ii) the Governor of the State in which the land is located; and

"(iii) each State political subdivision having jurisdiction over the land.

"(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.".

SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

(a) IN GENERAL.—Section 6(b) (16 U.S.C. 460l–8(b)) is amended to read as follows:

"(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

"(2) Subject to paragraph (3), of sums in the fund available each fiscal year for State purposes—

"(A) 30 percent shall be apportioned equally among the several States; and

"(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

"(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

"(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

"(5)(A) For the purposes of paragraph (2)(A)—

"(i) the District of Columbia shall be treated as a State; and

"(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

"(I) shall be treated collectively as one State; and

"(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

"(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.".

(b) TRIBES AND ALASKA NATIVE CORPORATIONS.—Section 6(b)(5) (16 U.S.C. 460l–8(b)(5)) is further amended by adding at the end the following new subparagraph:

"(C) For the purposes of paragraph (1), all federally recognized Indian tribes and Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes and Native Corporations shall be equivalent to the amount available to a single State. No single tribe or Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe or Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).".

(c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C. 460l–8(b)) is amended by adding at the end the following:

"(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.".

SEC. 207. STATE PLANNING.

(a) STATE ACTION AGENDA REQUIRED.—

(1) IN GENERAL.—Section 6(d) (16 U.S.C. 460l–8(d)) is amended to read as follows:

"(d) STATE ACTION AGENDA REQUIRED.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act so long as it provides for public involvement in this process and publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the 'State Action Agenda') indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 1999, a State Action Agenda that meets the following requirements:

"(A) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 4 years.

"(B) The agenda must be updated at least once every 4 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

"(2) State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.".

(2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460*l*–8(e)) is amended as follows:

(1) In the matter preceding paragraph (1) by striking "State comprehensive plan" and inserting "State Action Agenda".

(2) In paragraph (1) by striking "comprehensive plan" and inserting "State Action Agenda".

SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 460l–8(e)) is amended—

(1) in subsection (e)(1) by striking ", but not including incidental costs relating to acquisition"; and

(2) in subsection (e)(2) by inserting before the period at the end the following: "or to enhance public safety within a designated park or recreation area".

SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 460l–8(f)(3)) is amended—

(1) by inserting "(A)" before "No property"; and

(2) by striking the second sentence and inserting the following:

"(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.".

SEC. 210. WATER RIGHTS.

Title I is amended by adding at the end the following:

"WATER RIGHTS

"SEC. 14. Nothing in this title—

"(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

"(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

"(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

"(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.".

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 302. DEFINITIONS.

(a) REFERENCE TO LAW.—In this title, the term "Federal Aid in Wildlife Restoration Act" means the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after "shall be construed" the first place it appears the following: "to include the wildlife conservation and restoration program and".

(c) STATE AGENCIES.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting "or State fish and wildlife department" after "State fish and game department".

(d) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: "the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.".

SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting "(1)" after "(a)", and by adding at the end the following:

"(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the 'wildlife conservation and restoration account'. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 1999 shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs."; and

(2) by adding at the end the following:

"(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, in-

cluding species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

"(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

"(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 1999; or

"(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

"(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.".

SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) IN GENERAL.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

"(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—(1) The Secretary of the Interior shall make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

"(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof.

"(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅙ of 1 percent thereof.

"(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

"(i) ⅓ of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

"(ii) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States.

"(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

"(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

"(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

"(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

"(B) provisions for the development and implementation of—

"(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

"(ii) wildlife-associated recreation projects; and

"(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

"(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

"(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

"(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State

made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

"(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

"(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

"(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

SEC. 305. EDUCATION.

Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: "Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.".

SEC. 306. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

SEC. 402. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

"TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

"SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 1999 in a fiscal year shall be available to the Secretary without further appropriation to carry out

this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

"(b) LIMITATIONS ON ANNUAL GRANTS.—Of the amounts available in a fiscal year under subsection (a)—

"(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

"(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

"(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

"(c) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.".

SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting "development of new recreation areas and facilities, including the acquisition of lands for such development," after "rehabilitation of critically needed recreation areas, facilities,".

SEC. 405. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended as follows:

(1) In paragraph (j) by striking "and" after the semicolon.

(2) In paragraph (k) by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

"(l) 'development grants'—

"(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

"(2) does not include routine maintenance, and upkeep activities; and

"(m) 'Secretary' means the Secretary of the Interior.".

SEC. 406. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

"(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

"(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

"(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

"(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.".

SEC. 407. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended—

(1) in subsection (a) by redesignating paragraph (3) as paragraph (4); and

(2) by striking so much as precedes subsection (a)(4) (as so redesignated) and inserting the following:

"GRANTS

"SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

"(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

"(A) such transfer is consistent with the approved application for the grant; and

"(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities owned or managed by the applicant in accordance with section 1010.

"(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.".

SEC. 408. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting "development," after "commitments to ongoing planning,"; and

(2) in subsection (a)(2) by inserting "development and" after "adequate planning for".

SEC. 409. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting "(a) IN GENERAL.—" before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

"(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

"(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.".

SEC. 410. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

"CONVERSION OF RECREATION PROPERTY

"SEC. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

"(2) Paragraph (1) shall apply to—

"(A) property developed with amounts provided under this title; and

"(B) the park, recreation, or conservation area of which the property is a part.

"(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

"(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

"(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

"(1) of at least equal fair market value, or reasonably equivalent usefulness and location; and

"(2) in accord with the current recreation recovery action plan of the grantee.".

SEC. 411. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

TITLE V—HISTORIC PRESERVATION FUND

SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting "(a)" before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking all after the first sentence; and

(3) by adding at the end the following:

"(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act of 1999 in a fiscal year shall be deposited into the Fund

and shall be available without further appropriation, in that fiscal year, to carry out this Act.

"(c) At least ½ of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.".

SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

Title I of the National Historic Preservation Act (16 U.S.C. 470a and following) is amended by adding at the end the following:

"SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

"In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.".

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND; ALLOCATION.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior and the Secretary of Agriculture under section 5(b)(6) of this Act in a fiscal year shall be available without further appropriation, in that fiscal year, to carry out this title.

(b) ALLOCATION.—Amounts referred to in subsection (a) year shall be allocated and available as follows:

(1) DEPARTMENT OF THE INTERIOR.—60 percent shall be allocated and available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, lands within the National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—30 percent shall be allocated and available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be allocated and available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 603(b).

SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

(a) IN GENERAL.—Funds made available to carry out this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, giving priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount available for that fiscal year for grants under this subsection.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

SEC. 604. INDIAN TRIBE DEFINED.

In this title, the term "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

TITLE VII—CONSERVATION EASEMENTS AND ENDANGERED AND THREATENED SPECIES RECOVERY

Subtitle A—Conservation Easements

SEC. 701. PURPOSE.

The purpose of this subtitle is to provide a dedicated source of funding to the Secretary of the Interior for programs to provide matching grants to certain eligible entities to facilitate the purchase of permanent conservation easements in order to—

(1) protect the ability of these lands to maintain their traditional uses; and

(2) prevent the loss of their value to the public because of development that is inconsistent with their traditional uses.

SEC. 702. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(7)(A) in a fiscal year shall be available to the Secretary of the Interior without further appropriation, in that fiscal year, to carry out this subtitle.

SEC. 703. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

The Secretary of the Interior may use the amounts available under section 702 for the Conservation Easement Program established by section 704.

SEC. 704. CONSERVATION EASEMENT PROGRAM.

(a) GRANTS AUTHORIZED; PURPOSE.—The Secretary of the Interior shall establish and carry out a program, to be known as the "Conservation Easement Program", under which the Secretary shall provide grants to eligible entities described in subsection (c) to provide the Federal share of the cost of purchasing permanent conservation easements in land with prime, unique, or other productive uses.

(b) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a) may not exceed 50 percent of the total cost of purchasing the easement.

(c) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means any of the following:

(1) An agency of a State or local government.

(2) A federally recognized Indian tribe.

(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

(A) is described in section 501(c)(3) of the Code;

(B) is exempt from taxation under section 501(a) of the Code; and

(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

(d) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement described in subsection (a) and enforce the conservation requirements of the easement.

(e) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the

conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the conservation purpose of the Conservation Easement Program and the terms and conditions of the grant.

(f) CONSERVATION PLAN.—Any land for which a conservation easement is purchased under this section shall be subject to the requirements of a conservation plan to the extent that the plan does not negate or adversely affect the restrictions contained in the easement.

(g) TECHNICAL ASSISTANCE.—The Secretary of the Interior may not use more than 10 percent of the amount that is made available for any fiscal year under this program to provide technical assistance to carry out this section.

Subtitle B—Endangered and Threatened Species Recovery

SEC. 711. PURPOSES.

The purposes of this subtitle are the following:

(1) To provide a dedicated source of funding to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(7)(B) of this Act in a fiscal year shall be available to the Secretary of the Interior without further appropriation, in that fiscal year, to carry out this subtitle.

SEC. 713. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts made available under section 712 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 714.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of species recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance—

(A) on land owned by a small landowner; or

(B) on a family farm by the owner or operator of the family farm.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an incidental take statement issued under section 7 of that Act (16 U.S.C. 1536), or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 and following), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 and following), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities, if the terms of the species recovery agreement do not require financial

or management obligations by the person in addition to any such obligations of the person under such programs.

SEC. 714. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this subtitle in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the agreement; and

(9) allocate financial assistance provided under this subtitle for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this subtitle to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

SEC. 715. DEFINITIONS.

In this subtitle:

(1) ENDANGERED OR THREATENED SPECIES.—The term "endangered or threatened species" means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) FAMILY FARM.—The term "family farm" means a farm that—

(A) produces agricultural commodities for sale in such quantities so as to be recognized in the community as a farm and not as a rural residence;

(B) produces enough income, including off-farm employment, to pay family and farm operating expenses, pay debts, and maintain the property;

(C) is managed by the operator;

(D) has a substantial amount of labor provided by the operator and the operator's family; and

(E) uses seasonal labor only during peak periods, and uses no more than a reasonable amount of full-time hired labor.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(4) SMALL LANDOWNER.—The term "small landowner" means an individual who owns 50 acres or fewer of land.

(5) SPECIES RECOVERY AGREEMENT.—The term "species recovery agreement" means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 714.

PURPOSE OF THE BILL

The purpose of H.R. 701 is to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 701, the Conservation and Reinvestment Act of 1999 (CARA), reinvests revenue created from the development of non-renewable resources into renewable resources of conservation and recreation.

For decades, programs that improve the quality of American life and conserve important natural resources have not received adequate levels of funding, especially those programs that provide for local decision making. CARA addresses this national need in seven titles:

Title I provides $1 billion each year to create a revenue sharing and coastal conservation fund for coastal states and eligible local governments to mitigate the various impacts of outer continental shelf (OCS) activities and provide monies for the conservation of coastal ecosystems. In fact, several provisions ensure that the valuable funding provided by this Title does not prove to be an incentive to develop areas subject to a pre-leasing, leasing, or development moratorium. The amount of OCS revenues available for distribution under CARA is limited to the amount of royalties, bonus bids and rents received by the United States from existing OCS producing tracts. CARA specifically excludes any tract that is within a leasing moratorium on January 1, 1999. The five-year review period provided for by CARA ensures that as oil and gas development patterns change in *non-moratoria* areas, the funding allocations to the producing States are kept in sync with the amount of OCS production and subsequent impacts to their coastlines. Again, the five-year recalculation specifically includes leases or tracts under a moratoria or not in production on January 1, 1999. Thus, because the five-year update to the distribution formula "snapshot" occurs as development patterns change in the Gulf of Mexico and other non-moratoria areas, the allocations adequately address the unintended impacts of that development. Lastly, since any new development would be part of the ratio of all offshore oil and gas de-

velopments, any new single development would create a negligible difference in a State's share, thus eliminating any perceived incentive.

Title II provides $900 million to guarantee stable and annual funding for the Land and Water Conservation Fund (LWCF) at its authorized level. This dedicated funding would provide for both the State and Federal programs included in the LWCF, while protecting the rights of private property owners. H.R. 701 equally divides the $900 million between the State and Federal programs. The State portion would be *entirely* distributed to States and U.S. insular areas via the formula set forth in H.R. 701.

Title III provides $350 million for wildlife conservation and education, which includes funding for game and nongame species. This Title distributes the funds through the successful mechanism of the Federal Aid in Wildlife Restoration Act (commonly known as the Pittman-Robertson Act). The new source of Federal funding is nearly double the funds available through the Pittman-Robertson Act and the Federal Aid in Sportfish Restoration Act (commonly known as the Dingell-Johnson Act). Since 1937, these programs have contributed more than $5 billion, matched by the States, to benefit conservation of wildlife and fish.

Title IV provides $125 million to be used for Urban Park and Recreation Recovery Act of 1978 matching grants for local governments to rehabilitate recreation areas and facilities, and provides for the development of improved recreation programs, sites and facilities.

Title V provides $100 million for the programs within the Historic Preservation Act, including grants to the States, maintaining the National Register of Historic Places, and administering numerous historic preservation programs, including support for Congressionally-authorized Heritage areas and corridors.

Title VI provides $200 million for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

Title VII provides $150 million for annual and dedicated funding for conservation easements and funding for landowner incentives to aid in the recovery of endangered and threatened species.

Finally, since oil and gas royalty payments are not deposited into the Federal Treasury as an end-of-year lump sum under CARA, revenue held within the "CARA Fund" accrues interest. Up to $200 million of this annual interest will match, dollar for dollar, the amount appropriated during the appropriations process for the Payment In-Lieu of Taxes and Refuge Revenue Sharing programs. This provision is intended to fully fund these two programs.

COMMITTEE ACTION

H.R. 701 was introduced on February 10, 1999, by Congressman Don Young (R-AK). The bill was referred to the Committee on Resources.

On March 9 and 10, 1999, the Committee held a two-day hearing on the bill, where 28 witnesses testified on both H.R. 701 and H.R. 798, a bill authored by Congressman George Miller (D-CA). Panels included current and former Members of Congress, governors,

county commissioners, mayors, and representatives of national advocacy groups. This first hearing was an overview of both H.R. 701 and H.R. 798. See, Committee on Resources Printed Hearing 106–14.

After the Washington, D.C. hearings, the Committee held a series of field hearings across the country. On March 31, 1999, the first field hearing was held in Anchorage, Alaska, on both H.R. 701 and H.R. 798. This hearing was also general in nature, but emphasized wildlife funding and the perspectives of a coastal state that develops and produces oil and gas resources. Many of the witnesses discussed the positive benefits of providing funding for wildlife conservation included within Title III of H.R. 701. Testimony was also received from a representative of British Petroleum, Ms. Cindi Bailey. Ms. Bailey explained to the Committee that neither H.R. 701 nor H.R. 798 would create an incentive for new oil and gas development. See, Committee on Resources Printed Hearing 106–18.

On May 3, 1999, the Committee held its second field hearing in New Orleans, Louisiana. The central topic of this hearing was to show the Committee the annual impacts on the coastline of Louisiana caused by an array of activities, including the activities relating to offshore mineral production. The Committee learned that, in recent years, annual land loss rates due to coastal erosion in Louisiana have exceeded 40 square miles and that this loss represents 80% of all coastal wetlands loss in the country. While offshore oil and gas activities have had unintended consequences in some cases, the Committee learned that another important factor in the wetland loss has been the channeling of the Mississippi River. The series of levees and other water control mechanisms have cut off river sediment important to counter erosion problems in the State. The funding provided in H.R. 701 will provide financial resources necessary to protect and conserve our Nation's coastline. See, Committee on Resources Printed Hearing 106–18.

On June 12, 1999, the Committee held the third and final field hearing in Salt Lake City, Utah. This hearing focused on the concerns of large public land states concentrated in the West. Testimony was received that gave the Committee valuable insight regarding land acquisition issues within States with high percentages of federal ownership. See, Committee on Resources Printed Hearing 106–40.

For months following the five days of Committee hearings, a bipartisan group of eight Members met to craft a compromise between H.R. 701 and H.R. 798. The Members who participated in these meetings were Congressman Young, Congressman Miller, Congressman Billy Tauzin (R-LA), Congressman John Dingell (D-MI), Congressman Richard Pombo (R-CA), Congressman Bruce Vento (D-MN), Congressman Chris John (D-LA), and Congressman Tom Udall (D-NM). The compromise language that Congressman Young offered as an amendment in the nature of a substitute during the Committee mark-up was formed during more than 12 meetings, totaling tens of hours of negotiations. Mr. Pombo was successful in including language to address many of the land acquisition concerns the Committee learned about during the hearings.

On November 10, 1999, the Committee met to mark up the bill. As mentioned above, Congressman Young of Alaska offered an

amendment in the nature of a substitute (Young ANS). Congressman Jim Hansen (R-UT) offered an amendment to the Young ANS. The amendment would require ⅔ of the Federal funds available for Land and Water Conservation Fund acquisitions be spent east of the Mississippi River. The amendment failed on voice vote. Congresswoman Barbara Cubin (R-WY) offered an amendment to the Young ANS which would not allow the acquisition of land under H.R. 701 if the acquisition resulted in more land in Federal ownership than existed upon the date of enactment. The Cubin amendment failed by a roll call vote of 14–24, as follows:

Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Date 11-10-99

Roll No. 1

Bill No. H.R. 701 Short Title "Conservation and Reinvestment Act of 1999."

Amendment or matter voted on: Cubin Amendment #1

Member	Yea	Nay	Pres	Member	Yea	Nay	Pres
Mr. Young (Chairman)		X		*Mr. Miller*		X	
Mr. Tauzin				*Mr. Rahall*			
Mr. Hansen	X			*Mr. Vento*		X	
Mr. Saxton		X		*Mr. Kildee*		X	
Mr. Gallegly				*Mr. DeFazio*		X	
Mr. Duncan				*Mr. Faleomavaega*		X	
Mr. Hefley	X			*Mr. Abercrombie*			
Mr. Doolittle	X			*Mr. Ortiz*		X	
Mr. Gilchrest		X		*Mr. Pickett*		X	
Mr. Calvert	X			*Mr. Pallone*		X	
Mr. Pombo	X			*Mr. Dooley*			
Mrs. Cubin	X			*Mr. Romero-Barcelo*			
Mrs. Chenoweth-Hage	X			*Mr. Underwood*		X	
Mr. Radanovich	X			*Mr. Kennedy*		X	
Mr. Jones				*Mr. Smith*		X	
Mr. Thornberry	X			*Mr. John*		X	
Mr. Cannon				*Mrs. Christensen*		X	
Mr. Brady		X		*Mr. Kind*		X	
Mr. Peterson				*Mr. Inslee*		X	
Mr. Hill	X			*Mrs. Napolitano*		X	
Mr. Schaffer				*Mr. Tom Udall*		X	
Mr. Gibbons	X			*Mr. Mark Udall*		X	
Mr. Souder				*Mr. Crowley*		X	
Mr. Walden	X			*Mr. Holt*		X	
Mr. Sherwood	X						
Mr. Hayes							
Mr. Simpson							
Mr. Tancredo	X			**TOTAL**	14	24	

Congressman Ken Calvert (R-CA) offered an amendment to the Young ANS which would limit the amount of funds for the condemnation of lands. The amendment failed on a roll call vote of 17–30, as follows:

Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Date 11-10-99

Roll No. 2

Bill No. H.R. 701 Short Title "Conservation and Reinvestment Act of 1999."

Amendment or matter voted on: Calvert Amendment

Member	Yea	Nay	Pres	Member	Yea	Nay	Pres
Mr. Young (Chairman)		X		*Mr. Miller*		X	
Mr. Tauzin		X		*Mr. Rahall*			
Mr. Hansen		X		*Mr. Vento*		X	
Mr. Saxton		X		*Mr. Kildee*		X	
Mr. Gallegly				*Mr. DeFazio*		X	
Mr. Duncan				*Mr. Faleomavaega*		X	
Mr. Hefley	X			*Mr. Abercrombie*		X	
Mr. Doolittle	X			*Mr. Ortiz*		X	
Mr. Gilchrest		X		*Mr. Pickett*		X	
Mr. Calvert	X			*Mr. Pallone*		X	
Mr. Pombo	X			*Mr. Dooley*		X	
Mrs. Cubin	X			*Mr. Romero-Barcelo*		X	
Mrs. Chenoweth-Hage	X			*Mr. Underwood*		X	
Mr. Radanovich	X			*Mr. Kennedy*		X	
Mr. Jones	X			*Mr. Smith*		X	
Mr. Thornberry	X			*Mr. John*		X	
Mr. Cannon		X		*Mrs. Christensen*		X	
Mr. Brady	X			*Mr. Kind*		X	
Mr. Peterson	X			*Mr. Inslee*		X	
Mr. Hill	X			*Mrs. Napolitano*		X	
Mr. Schaffer				*Mr. Tom Udall*		X	
Mr. Gibbons	X			*Mr. Mark Udall*		X	
Mr. Souder		X		*Mr. Crowley*		X	
Mr. Walden	X			*Mr. Holt*		X	
Mr. Sherwood	X						
Mr. Hayes							
Mr. Simpson	X						
Mr. Tancredo	X			**TOTAL**	17	30	

Congressman John T. Doolittle (R-CA) offered an amendment to the Young ANS which would add a list of surplus lands under the administrative jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, for which there is no demonstrated compelling program need, to the annual report required by H.R. 701. It was adopted by voice vote.

Congressman Pombo offered an amendment to the Young ANS which would limit the ability of the Federal Government to regulate private lands and clarify the rights of inholders inside Federal land boundaries. The amendment failed on a roll call vote of 14–28, as follows:

Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Date 11-10-99

Roll No. 3

Bill No. H.R. 701 Short Title "Conservation and Reinvestment Act of 1999."

Amendment or matter voted on: Pombo Amendment

Member	Yea	Nay	Pres	Member	Yea	Nay	Pres
Mr. Young (Chairman)		X		*Mr. Miller*		X	
Mr. Tauzin		X		*Mr. Rahall*		X	
Mr. Hansen				*Mr. Vento*		X	
Mr. Saxton		X		*Mr. Kildee*		X	
Mr. Gallegly	X			*Mr. DeFazio*			
Mr. Duncan				*Mr. Faleomavaega*		X	
Mr. Hefley	X			*Mr. Abercrombie*		X	
Mr. Doolittle	X			*Mr. Ortiz*		X	
Mr. Gilchrest		X		*Mr. Pickett*			
Mr. Calvert	X			*Mr. Pallone*		X	
Mr. Pombo	X			*Mr. Dooley*		X	
Mrs. Cubin	X			*Mr. Romero-Barcelo*		X	
Mrs. Chenoweth-Hage	X			*Mr. Underwood*		X	
Mr. Radanovich				*Mr. Kennedy*		X	
Mr. Jones				*Mr. Smith*		X	
Mr. Thornberry	X			*Mr. John*		X	
Mr. Cannon		X		*Mrs. Christensen*		X	
Mr. Brady	X			*Mr. Kind*		X	
Mr. Peterson				*Mr. Inslee*		X	
Mr. Hill				*Mrs. Napolitano*		X	
Mr. Schaffer				*Mr. Tom Udall*		X	
Mr. Gibbons	X			*Mr. Mark Udall*		X	
Mr. Souder		X		*Mr. Crowley*		X	
Mr. Walden	X			*Mr. Holt*		X	
Mr. Sherwood	X						
Mr. Hayes							
Mr. Simpson	X						
Mr. Tancredo	X			**TOTAL**	14	28	

Congressman Cubin of Wyoming offered another amendment to the Young ANS which would sunset the bill in 2005. It failed by voice vote. Congressman Helen Chenoweth-Hage (R-ID) offered an amendment to the Young ANS which would require Payments in Lieu of Taxes and Refuge Revenue Sharing be fully funded before funding is distributed to the other programs under CARA. The amendment failed by voice vote. Mrs. Chenoweth-Hage offered another amendment to the Young ANS which would require that nothing in the Act be construed to result in the net loss of acreage available for hunting. The amendment failed by voice vote. Mrs. Chenoweth-Hage offered another amendment to the Young ANS which would mandate that the State within which the acquisition is to take place approve any acquisition that would use the Federal portion of the Land and Water Conservation Fund to acquire land or water. The amendment failed on a voice vote. Mrs. Chenoweth-Hage offered another amendment to the Young ANS which would not allow the Federal portion to be used to acquire any parcel of land more than 100 acres in the State of Idaho. The amendment failed on a roll call vote of 13–28, as follows:

Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Roll No. 4

Bill No. H.R. 701 Short Title "Conservation and Reinvestment Act of 1999."

Amendment or matter voted on: Chenoweth-Hage Amendment #36

Member	Yea	Nay	Pres	Member	Yea	Nay	Pres
Mr. Young (Chairman)		X		*Mr. Miller*		X	
Mr. Tauzin		X		*Mr. Rahall*		X	
Mr. Hansen				*Mr. Vento*		X	
Mr. Saxton		X		*Mr. Kildee*		X	
Mr. Gallegly	X			*Mr. DeFazio*			
Mr. Duncan				*Mr. Faleomavaega*		X	
Mr. Hefley	X			*Mr. Abercrombie*		X	
Mr. Doolittle	X			*Mr. Ortiz*			
Mr. Gilchrest		X		*Mr. Pickett*		X	
Mr. Calvert				*Mr. Pallone*		X	
Mr. Pombo	X			*Mr. Dooley*		X	
Mrs. Cubin	X			*Mr. Romero-Barcelo*		X	
Mrs. Chenoweth-Hage	X			*Mr. Underwood*		X	
Mr. Radanovich	X			*Mr. Kennedy*		X	
Mr. Jones				*Mr. Smith*		X	
Mr. Thornberry				*Mr. John*		X	
Mr. Cannon		X		*Mrs. Christensen*		X	
Mr. Brady	X			*Mr. Kind*		X	
Mr. Peterson				*Mr. Inslee*		X	
Mr. Hill				*Mrs. Napolitano*		X	
Mr. Schaffer	X			*Mr. Tom Udall*		X	
Mr. Gibbons	X			*Mr. Mark Udall*		X	
Mr. Souder		X		*Mr. Crowley*		X	
Mr. Walden		X		*Mr. Holt*			
Mr. Sherwood	X						
Mr. Hayes							
Mr. Simpson	X						
Mr. Tancredo	X			**TOTAL**	13	28	

Congressman Greg Walden (R-OR) offered an amendment to the Young ANS which would not allow the purchase with the Federal portion of land in counties where 35 percent or more of the lands are administered by the United States Department of Agriculture, the Department of the Interior (excluding tribal lands) or the Department of Defense or any combination thereof, unless that acquisition is specifically approved by the government of the county. The amendment failed on voice vote. Congressman Jim Gibbons (R-NV) offered an amendment to the Young ANS which would provide for the disposal of public lands. The amendment was withdrawn. Congressman Bob Schaffer (R-CO) offered an amendment to the Young ANS which would not allow any funds to be used for the implementation of the American Heritage Rivers Initiative. The amendment failed by a roll call vote of 20–24, as follows:

Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Date 11-10-99

Roll No. 5

Bill No. H.R. 701 Short Title "Conservation and Reinvestment Act of 1999".

Amendment or matter voted on: Schaffer Amendment

Member	Yea	Nay	Pres	Member	Yea	Nay	Pres
Mr. Young (Chairman)		X		*Mr. Miller*		X	
Mr. Tauzin		X		*Mr. Rahall*		X	
Mr. Hansen	X			*Mr. Vento*			
Mr. Saxton		X		*Mr. Kildee*		X	
Mr. Gallegly	X			*Mr. DeFazio*		X	
Mr. Duncan				*Mr. Faleomavaega*		X	
Mr. Hefley	X			*Mr. Abercrombie*		X	
Mr. Doolittle	X			*Mr. Ortiz*		X	
Mr. Gilchrest		X		*Mr. Pickett*		X	
Mr. Calvert				*Mr. Pallone*		X	
Mr. Pombo	X			*Mr. Dooley*		X	
Mrs. Cubin	X			*Mr. Romero-Barcelo*			
Mrs. Chenoweth-Hage	X			*Mr. Underwood*		X	
Mr. Radanovich	X			*Mr. Kennedy*			
Mr. Jones	X			*Mr. Smith*		X	
Mr. Thornberry	X			*Mr. John*		X	
Mr. Cannon	X			*Mrs. Christensen*		X	
Mr. Brady	X			*Mr. Kind*		X	
Mr. Peterson				*Mr. Inslee*			
Mr. Hill	X			*Mrs. Napolitano*		X	
Mr. Schaffer	X			*Mr. Tom Udall*		X	
Mr. Gibbons	X			*Mr. Mark Udall*		X	
Mr. Souder	X			*Mr. Crowley*		X	
Mr. Walden	X			*Mr. Holt*		X	
Mr. Sherwood	X						
Mr. Hayes							
Mr. Simpson	X						
Mr. Tancredo	X			**TOTAL**	20	24	

Congressman Thomas G. Tancredo (R-CO) offered an amendment to the Young ANS which would increase the funding for the Urban Park and Recreation Recovery Program to $350 million. The amendment failed on a voice vote. Congressman Rick Hill (R-MT) offered an amendment to the Young ANS which would require that no action be taken under Title VII, Subtitle B, to introduce grizzly bears in Idaho and Montana. The amendment failed by voice vote. Congressman Hill offered an amendment to the Young ANS which would require a specific plan from the Secretary of the Interior and Agriculture for acquisitions in the State of Montana. The amendment failed by a roll call vote of 16–25, as follows:

Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Date 11-10-99

Roll No. 6

Bill No. H.R. 701 Short Title "Conservation and Reinvestment Act of 1999."

Amendment or matter voted on: Hill Amendment #6

Member	Yea	Nay	Pres	Member	Yea	Nay	Pres
Mr. Young (Chairman)		X		*Mr. Miller*		X	
Mr. Tauzin		X		*Mr. Rahall*		X	
Mr. Hansen				*Mr. Vento*		X	
Mr. Saxton		X		*Mr. Kildee*		X	
Mr. Gallegly	X			*Mr. DeFazio*		X	
Mr. Duncan				*Mr. Faleomavaega*		X	
Mr. Hefley	X			*Mr. Abercrombie*			
Mr. Doolittle				*Mr. Ortiz*		X	
Mr. Gilchrest		X		*Mr. Pickett*		X	
Mr. Calvert				*Mr. Pallone*		X	
Mr. Pombo	X			*Mr. Dooley*		X	
Mrs. Cubin	X			*Mr. Romero-Barcelo*		X	
Mrs. Chenoweth-Hage	X			*Mr. Underwood*		X	
Mr. Radanovich				*Mr. Kennedy*			
Mr. Jones	X			*Mr. Smith*		X	
Mr. Thornberry	X			*Mr. John*		X	
Mr. Cannon	X			*Mrs. Christensen*		X	
Mr. Brady	X			*Mr. Kind*		X	
Mr. Peterson				*Mr. Inslee*		X	
Mr. Hill	X			*Mrs. Napolitano*		X	
Mr. Schaffer	X			*Mr. Tom Udall*		X	
Mr. Gibbons	X			*Mr. Mark Udall*		X	
Mr. Souder				*Mr. Crowley*		X	
Mr. Walden	X			*Mr. Holt*			
Mr. Sherwood	X						
Mr. Hayes							
Mr. Simpson	X						
Mr. Tancredo	X			TOTAL	16	25	

The previous question was ordered on the bill by voice vote. The Young ANS, as amended, was then adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by a roll call vote of 37–12, as follows:

U.S. House of Representatives
106th Congress

Full Committee

Date 11-10-99

Roll No. 7

Bill No. H.R. 701 Short Title " Conservation and Reinvestment Act of 1999."

Amendment or matter voted on: FINAL PASSAGE

Member	Yeas	Nays	Pres	Member	Yea	Nay	Pres
Mr. Young (Chairman)	X			*Mr. Miller*	X		
Mr. Tauzin	X			*Mr. Rahall*	X		
Mr. Hansen	X			*Mr. Vento*	X		
Mr. Saxton	X			*Mr. Kildee*	X		
Mr. Gallegly		X		*Mr. DeFazio*	X		
Mr. Duncan				*Mr. Faleomavaega*	X		
Mr. Hefley	X			*Mr. Abercrombie*	X		
Mr. Doolittle		X		*Mr. Ortiz*	X		
Mr. Gilchrest	X			*Mr. Pickett*	X		
Mr. Calvert		X		*Mr. Pallone*	X		
Mr. Pombo		X		*Mr. Dooley*	X		
Mrs. Cubin		X		*Mr. Romero-Barcelo*	X		
Mrs. Chenoweth-Hage		X		*Mr. Underwood*	X		
Mr. Radanovich				*Mr. Kennedy*	X		
Mr. Jones	X			*Mr. Smith*	X		
Mr. Thornberry		X		*Mr. John*	X		
Mr. Cannon	X			*Mrs. Christensen*	X		
Mr. Brady	X			*Mr. Kind*	X		
Mr. Peterson				*Mr. Inslee*	X		
Mr. Hill		X		*Mrs. Napolitano*	X		
Mr. Schaffer		X		*Mr. Tom Udall*	X		
Mr. Gibbons		X		*Mr. Mark Udall*	X		
Mr. Souder	X			*Mr. Crowley*	X		
Mr. Walden		X		*Mr. Holt*	X		
Mr. Sherwood	X						
Mr. Hayes	X						
Mr. Simpson		X					
Mr. Tancredo	X			**TOTAL**	37	12	

PARTIAL SECTION-BY-SECTION ANALYSIS

Section 4. Annual reports

Subsection (a) requires the Governors of each State receiving monies from the Fund to prepare a report, in accordance with regulations the Secretary of the Interior promulgates, accounting for the money received, including the funded projects and activities.

Subsection (b) requires the Secretary of the Interior, in consultation with the Secretary of Agriculture, to submit an annual report to Congress documenting monies the Departments have spent out of the Fund and summarizing the Governors' reports required by Section 4(a).

Section 5. Conservation and Reinvestment Act Fund

Subsection (a) establishes the Conservation and Reinvestment Act Fund and provides that Secretary of the Treasury deposit monies from the following sources into the Fund: (1) OCS Revenues up to $2.825 billion; (2) amounts not dispersed from the Impact Assistance and Coastal Conservation Fund; (3) interest earned but not dispersed for Payment In Lieu of Taxes (PILT), Refuge Revenue Sharing, and for the purposes of the North American Wetlands Conservation Act.

Subsection (b) directs the Secretary of the Treasury to transfer, starting in Fiscal Year 2001, all amounts in the fund for specific programs, including to the Secretary of the Interior for purposes of making payments under this Act:

$1 billion for Impact Assistance and Coastal Conservation;

$900 million to fund the Land and Water Conservation Fund;

$350 million for Wildlife Conservation;

$125 million for Urban Parks;

$100 million for Historic Preservation;

$200 million for Federal and Indian Land Restoration; and

$150 million ($100 million for Permanent Conservation Easements/$50 million for Threatened and Endangered Species Recovery).

Subsection (c) provides that any shortfalls proportionally reduce the above sums.

Subsection (d) provides that up to $200 million of the interest generated by the Conservation and Reinvestment Act Fund be used to match the annual appropriations directed toward the programs of Payment In Lieu of Taxes and Refuge Revenue Sharing, up to their authorized levels, except that the interest attributed to Title III will be directed to North American Wetlands Conservation Act of 1989, as the Pittman-Robertson Act currently provides.

Subsection (e) provides that refunds are taken from the Conservation and Reinvestment Act Fund.

During the Full Committee markup of CARA, there was some discussion about the removal of a 10.5 million ton pile of uranium mill tailings abutting the entrance to the Arches National Park in Utah, only 500 feet from the Colorado River. This is also where America's biking mecca, Moab, is located. There may be broad conservation and recreational benefits to removing the tailings, and it may be a case that is consistent with the goals of this legislation.

Section 6. Limitation of use of available amounts for administration

This Section provides that no more than 2% of the amounts provided for a program can be expended for administrative expenses. No funds may be drawn from the wildlife title for administration.

Section 7. Budgetary treatment of receipts and disbursements

This Section addresses the budgetary treatment of the receipts into and disbursements out of the Fund.

Section 8. Recordkeeping requirements

This Section requires the Secretary to establish rules concerning the record keeping and auditing of State and local governments expending monies from the Fund.

Section 9. Maintenance of effort and matching funding

This Section encourages the maintenance of State and local funding. With one exception, the State or local government must maintain or increase its funding to qualify for the Federal funds. The purpose of H.R. 701 is to supplement and increase State, local, and non-federal funding for the delineated conservation programs. This Section also clarifies that amounts received by a State or local government from the Fund are treated as Federal funds for matching fund purposes.

Section 10. Sunset

This Section directs that the Conservation and Reinvestment Act of 1999 sunsets after September 30, 2015.

Section 11. Protection of private property rights

Subsection (a) states that H.R. 701 does not authorize the taking of private property, in whole or in part, without just compensation.

Subsection (b) provides that Federal agencies may not regulate lands or interest therein until such lands, water, or interests have been acquired by the Federal Government, except in those circumstances where a specific Act authorizes such regulation.

Section 12. Signs

This Section provides that the Secretary of the Interior will design a standardized sign and, where appropriate, require its installation at sites receiving funds under H.R. 701.

Title I—Impact Assistance and Coastal Conservation

Section 101. Impact assistance formula and payments

Section 101(a) directs the Secretary of the Interior to transfer the funds established under Section 6(b) to coastal States which have a Secretary-approved "Coastal State Conservation and Impact Assistance Plan," agree to provide reports, and have necessary fiscal control and fund accounting procedures.

Sections 101(b)(1) and (b)(2) set forth the formula for which funds shall be directly distributed to coastal States and Territories. As noted in the definitions, a coastal State has the same definition found in the Coastal Zone Management Act (CZMA). Under the Title I formula, only those States which have the same definition

as the CZMA receive Title I funds. Eligible States will receive an annual distribution based on the following formula: 50% shall be based both on the inverse relationship between the minimum distance from a State's coastline to the OCS lease tracts within 200 miles of that coastline and the revenues attributed to those leases; 25% shall be based on the ratio of each eligible coastal State's coastline to the total of all coastal States' coastlines; and 25% shall be based on the ratio of each coastal State's population to the total population for all coastal States.

Furthermore, the "disincentive" language included in the definition of "qualified OCS revenues" is reiterated in subsection (b) to emphasize that the 50% portion of States' allocations, which is based on proximity to production, is restricted to those areas which are not in moratoria areas, unless a lease had been issued and was producing prior to January 1, 1999.

When using the defined term "producing State" in Section 101(b)(2) and in all other sections in this Title, it is the intent of the Committee that "coastal seaward boundary" distinguish between those States which have coastlines within 200 miles of production and those States which merely have inland geographic boundaries within 200 miles of a producing offshore lease.

Section 101(b)(3) provides a minimum share for coastal States and a provision to ensure that the total funding provided to coastal States does not exceed 100% of the funds available under the Title.

Section 101(c) sets forth that 50% of a producing State's share will be distributed to coastal political subdivisions within the coastal zone by the same formula that determines the State portion. Counties in California with a coastal shoreline, one or more oil refineries, and that are beyond 200 miles of a producing lease will be considered as if located within a distance of 50 miles from the geographic center of any leased tract.

Section 101(d) sets forth that payments to coastal States and to coastal political subdivisions shall be made no later than December 31 in any year.

Section 102. Coastal State conservation and impact assistance plans

This Section sets up the process by which the Secretary of the Interior provides monies from the Fund to the coastal States. The coastal State must prepare and submit a plan that the Secretary shall approve, so long as the plan is consistent with the uses set forth in this Section, after consultation with the Secretary of Commerce. The State must involve the public in the preparation of the plan. The Secretary will use the plans to ensure that the State's use of monies from the Fund is consistent with the authorized uses.

Title II—Land and Water Conservation Fund Revitalization

Section 201. Amendment of Land and Water Conservation Fund Act of 1965

This Section simply provides that any references to amendment or repeal of a statute refers to the Land and Water Conservation Fund Act of 1965 ("LWCF"), unless otherwise expressly provided.

Section 202. Extension of fund; treatment of amounts transferred from Conservation and Reinvestment Act Fund

This Section amends the LWCF to recognize the transfer of funds under H.R. 701 into the LWCF.

Section 203. Availability of amounts

This Section makes available $900 million for purposes of the LWCF, without further appropriation.

Section 204. Allocation of fund

This Section amends the LWCF to allocate the funds between the Federal Government (50%) and States (50%).

Section 205. Use of Federal portion

This Section specifies how the Federal Government can use the funds. The Federal portion can be used for projects only after each acquisition is specifically approved (in a line-item) within the text of an Act making appropriations for the Department of the Interior or the Department of Agriculture. The Federal portion can be used only to acquire lands from willing sellers, unless referred to and approved by Congress. The Federal portion can only be used to acquire any interest in lands or water after they are included in the list of acquisitions that were approved by Congress. The Secretaries of the Interior and Agriculture must prepare and transmit to Congress a list of lands proposed for acquisition and must follow guidelines laid out in this Section. The intent of the list is to inform Congress, other affected governmental entities, and the public of the intentions of the agencies and the need, if any, for Congress to take action. Under the Doolittle amendment to this Section, a list of surplus lands under the administrative jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, for which there is no demonstrated or compelling need, must be included in the annual report required by this Section. During the consideration of the Doolittle amendment, the acceptance of the amendment was subject to an understanding that further clarification may be required.

Except for acquisitions specifically authorized by a Federal law, Federal funds are not available for a particular project until there is compliance with all applicable laws, and relevant environmental documents prepared for the project, are provided to Congress and other affected entities and persons.

Section 206. Allocation of amounts available for State purposes

Under this Section, the Secretary of the Interior apportions the monies available from the Fund to the States. The Section sets forth the distribution formula for the States (30% equally among all States and 70% based upon population). The Secretary also shall allocate monies to the District of Columbia and named Territories as if they were States. Indian tribes and Alaska Native Corporations are also eligible to compete for funding in the form of competitive grants. For the purposes of this Act, Tribes and Native Corporations are considered to be a State solely for the purposes of the distribution formula. It is not the intent to elevate or diminish their status in other laws or sections of H.R. 701. Absent com-

pelling reasons to the contrary, the States shall allocate at least 50% to local governments.

Section 207. State planning

This Section provides that each State will set its own priorities and criteria for selecting eligible projects, as long as the public is involved in the process and the State publishes a "State Action Agenda" within five years of enactment of CARA. The State Action Agenda should take into account Federal, regional, and local government resources and plans for similar activities and correlate State activities with these activities. Until the State Action Agenda is in place (but no later than five years from enactment of CARA), the State shall rely on its existing Comprehensive State Plan.

Section 208. Assistance to States for other projects

This Section amends LWCF to allow States to use funding for costs relating to acquisition, including costs incurred during land exchanges, and to provide for public safety.

Section 209. Conversion of property to other use

This Section amends the process for approval of conversion of State properties that no longer qualify as an outdoor conservation and recreation facility or are unsafe for such use. The Secretary must ensure that other conservation and recreation properties take the place of the converted properties.

Section 210. Water rights

This Section clarifies that nothing in the newly amended LWCF affects any water law or interstate compact governing water, alters any allocations of water rights, or creates any new water rights.

Title III—Wildlife Conservation and Restoration

Section 301. Purposes

This Section sets forth the purposes of this Title, which are: (1) to extend the assistance to the States under the longstanding Federal Aid in Wildlife Restoration Act (popularly called the "Pittman-Robertson Act"), including for the benefit of wildlife and habitat; (2) to promote sound conservation policies; (3) to encourage participation between the States and the Federal Government, other State agencies, and private conservation and recreation organizations; and (4) to promote public involvement in these processes.

Section 302. Definitions

This Section sets forth definitions of key terms which recur throughout the Title, including (a) "Federal Aid in Wildlife Restoration Act"; (b) "Wildlife Conservation and Restoration Program"; (c) "State Agencies"; and (d) "Conservation." While the term "Conservation" does allow funds to be used for wildlife damage management, it is not intended that these funds be used for controlling wildlife damage to livestock and agricultural crops.

Section 303. Treatment of amounts transferred from Conservation and Reinvestment Act Fund

This Section amends the Pittman-Robertson Act to create a new subaccount within the Pittman-Robertson Act (the "wildlife conservation and restoration account") and designates the purposes of the new funding. This new funding is a supplement, not a replacement, for existing funding.

The States shall use it to develop, revise and implement wildlife conservation and restoration programs, particularly to meet the unmet needs of a wide array of wildlife and habitats, including game and non-game species. Funding is available for new and existing programs related to conservation, conservation education, and wildlife-associated recreation. These new supplemental monies are not designated by CARA for any particular form of wildlife management or restoration efforts.

Section 304. Apportionment of amounts transferred from Conservation and Reinvestment Act Fund

This Section sets forth the apportionment of the CARA funds to the States, the District of Columbia, and the U.S. Territories. It sets amounts going to the District of Columbia and the Territories as a percentage of the amount transferred to the LWCF from the CARA fund, and amounts going to the individual States based upon a formula of 1/3 based upon land area and 2/3 based upon population, with upper and lower limits. This Title provides a Federal match and requires the States to provide 25 percent of the project costs.

This Section also sets forth the process by which States apply for funds, describes the circumstances under which the Secretary of the Interior approves the program and distributes the funds (including the requirement for a State plan), places limits on funding related to wildlife-associated recreation, and clarifies the inapplicability of certain other laws.

Section 305. Education

This Section clarifies that amounts transferred to the "wildlife conservation and restoration account" from the CARA fund are available for wildlife conservation education. This Section prohibits funds from CARA being used for programs that oppose the regulated taking of wildlife.

Section 306. Prohibition against diversion

It is the intent of the Committee that States fund this program, and other programs within this CARA, from new or excess funds from existing sources of revenue to leverage this new Federal contribution. Also, States that divert revenue available to it for conservation of wildlife to other purposes will not be eligible to receive matching funds under this Title.

Title IV—Urban Park and Recreation Recovery Program Amendments

Section 401. Amendment of Urban Park and Recreation Recovery Act of 1978

This Section provides that any references to amendment or repeal of a statute refers to the Urban Park and Recreation Recovery Act of 1978 (UPARR), unless otherwise expressly provided.

Section 402. Purpose

This Section sets forth the purpose of the Title, which is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

Section 403. Treatment of amounts transferred from Conservation and Reinvestment Act Fund

This Section establishes that amounts transferred from the CARA fund to the Secretary shall be available to carry out UPARR and sets limits on the use of these amounts.

Section 404. Authority to develop new areas and facilities

This Section adds the development of new recreation areas and facilities to the items for which funds under UPARR can be expended.

Section 405. Definitions

This Section sets forth definitions of key terms which recur throughout the Title, including "development grants" and "Secretary."

Section 406. Eligibility

This Section establishes that the Secretary shall determine need for assistance under UPARR.

Section 407. Grants

This Section provides that the Secretary may provide 70% matching funds to eligible general purpose local governments (or its transferee) for rehabilitation, development, and innovation purposes, after the Secretary approves an application for such funds.

Section 408. Recovery Action Programs

This Section makes an amendment to the section of UPARR regarding Recovery Action Programs.

Section 409. State action incentives

This Section requires that the Secretary and the general purpose local governments should coordinate their recovery action plans with State plans under the LWCF and that the Secretary shall encourage States to rely on the local planning documents.

Section 410. Conversion of recreation property

This Section provides that to the extent a local property is developed with Federal funds under this Title, the local government must not convert the property to another use without the Sec-

retary's approval. The Secretary should approve the conversion only if no other feasible alternative exists and there will be a substitution for the converted property.

Section 411. Repeal

This Section repeals Section 1015 of UPARR (16 U.S.C. 2514).

Title V—Historic Preservation Fund

Section 501. Treatment of amounts transferred from Conservation and Reinvestment Act Fund

This Section establishes that amounts transferred from the CARA fund to the Secretary shall be available to carry out the National Historic Preservation Act (NHPA) and sets limits on the use of these amounts.

Section 502. State use of historic preservation assistance for national heritage areas and corridors

This Section adds authority for the Secretary to use monies in the NHPA fund to financially assist the manager of any national heritage area or corridor.

Title VI—Federal and Indian Lands Restoration

Section 601. Purpose

This Section sets forth the purpose of the Title, which is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect threatened resources and promote public health and safety.

Section 602. Treatment of amounts transferred from Conservation and Reinvestment Act Fund; allocation

This Section establishes that amounts transferred from the CARA fund ($200 million) to the Secretary shall be available to carry out this Title. Sixty percent of these funds are allocated to the Interior Department for National Park, U.S. Fish and Wildlife Service and Bureau of Land Management land projects. Thirty percent is allocated for the National Forest System and ten percent for qualified Indian tribes.

Section 603. Authorized uses of transferred amounts

This Section limits the use of funds under this Title to enumerated land restoration projects, resource protection, maintenance activities and protection of health and safety. It also sets up a competitive grant program for Indian Tribes seeking such funds. Each Secretary is obligated to prepare priority lists for the use of available funds, including the funds for the Indian Tribe's competitive grant program.

Section 604. Indian Tribe defined

This Section limits "Indian Tribe" to those recognized under section 104 of the Federally Recognized Indian Tribe List Act of 1994.

Title VII—Conservation Easements and Endangered and Threatened Species Recovery

SUBTITLE A—CONSERVATION EASEMENTS

Section 701. Purpose

This Section sets forth the purpose of the subtitle, which is to provide a dedicated source of funding for programs to provide matching funds to help purchase permanent conservation easements. During the Committee consideration of CARA, there was some discussion regarding how and under what conditions will conservation easements be granted and whether the Secretary of the Interior was the best administrator for the program. The author of the bill agreed to continue working to define this Title before the bill is considered on the Floor.

Section 702. Treatment of amounts transferred from Conservation and Reinvestment Act Fund

This Section authorizes the Secretary to use funds transferred from the CARA fund ($100 million) to carry out the subtitle.

Section 703. Authorized uses of transferred amounts

This Section authorizes the Secretary to use amounts available under Section 702 for the Conservation Easement Program (Section 704).

Section 704. Conservation easement program

This Section establishes a new program under which the Secretary provides grants to a State or local government, an Indian Tribe, or certain private organizations to acquire and enforce permanent conservation easements. The State shall certify that the conservation easement is sufficient under State law to achieve the conservation purpose. The Secretary may use no more than 10% of the available funds for technical assistance to carry out the section. This program has a 50/50 matching requirement.

SUBTITLE B—ENDANGERED AND THREATENED SPECIES RECOVERY

Section 711. Purposes

This Section sets forth the purposes of the subtitle, which are to provide a dedicated source of funding for an incentive program to promote the recovery of endangered and threatened species and their habitats and greater involvement by non-Federal entities in these efforts.

Section 712. Treatment of amounts transferred from Conservation and Reinvestment Act Fund

This Section authorizes the Secretary to use amounts available ($50 million) to carry out this subtitle.

Section 713. Endangered and threatened species recovery assistance

This Section authorizes financial assistance to anyone developing and implementing an "Endangered and Threatened Species Recovery Agreement" approved by the Secretary and establishes priorities, qualifications, and restrictions on the assistance.

Section 714. Endangered and threatened species recovery agreements

This Section authorizes the Secretary to enter into Endangered and Threatened Species Recovery Agreements and sets forth the terms that these agreements must contain. The Section also requires the Secretary to review and approve any proposed agreement if the Secretary determines that it complies with this section. Finally, the Secretary must monitor the implementation of the agreement and, if the agreement is satisfactorily being implemented, disburse the funds.

During the markup of CARA, Congressman Young and Congressman Joel Hefley (R–CO) engaged in a colloquy to discuss the conservation easement language contained within Title VII of the Young amendment. Congressman Hefley, with his experience in conservation easement legislation, wanted to ensure that funds provided for conservation easements would be available to preserve the living landscape of farming and ranching communities. Chairman Young agreed that his amendment did so.

Section 715. Definitions

This Section sets forth definitions of key terms which recur throughout the subtitle, including "Endangered or Threatened Species"; "family farm"; "Secretary"; "small landowner" (individuals with 50 acres or less land); and "Species Recovery Agreement."

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation.—Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act.—As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings.—Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and rec-

ommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate.—Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE.
Washington, DC, February 16, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 7091, the Conservation and Reinvestment Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 701—Conservation and Reinvestment Act of 1999

SUMMARY

CBO estimates that enacting H.R. 701 would increase direct spending by about $1.4 billion in fiscal year 2002 and by a total of $7.8 billion through fiscal year 2005. Assuming appropriation of the authorization amounts, the bill would also result in discretionary spending totaling about $3.7 billion over this period. Because the bill would affect direct spending, pay-as-you-procedures would apply.

H.R. 701 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The spending authorized by the bill would include grants for state, local, and tribal governments. Any cost incurred by these governments to meet the conditions of assistance would be voluntary.

Direct Spending

H.R. 701 would establish the Conservation and Reinvestment Act (CARA) Fund within the Treasury. Beginning in fiscal year 2001, the Secretary of the Treasury would make annual deposits into this fund of about $2.8 billion from oil and natural gas royalties and other income derived from exploration and development of the Outer Continental Shelf (OCS). Each year thereafter, the Secretary would transfer this money to certain existing federal funds and accounts for land conservation, acquisition, and management. Most of this money-about $2.4 billion a year—would be available for spending without further appropriation actions. The balance—$450 million annually—could not be spent without Congressional approval

in a subsequent appropriation act. Finally, the bill would allow a portion of the interest earnings of the CARA Fund—an estimated $18 million annually—to be spent without further appropriations action.

Discretionary Spending

The bill also would authorize appropriations for existing federal programs. Section 203 would authorize the appropriation of $900 million from the Land and Water Conservation Fund for fiscal year 2002 and each year thereafter. In addition, $450 million from the CARA Fund would become available to the Land and Water Conservation Fund each year, pending Congressional approval, in an appropriation act, of properties to be acquired with these funds. Also, section 5 would authorize the appropriation of about $53 million a year, from interest earned on amounts in the CARA Fund, for payments to local governments in lieu of taxes and for revenue-sharing payments related to wildlife refuges.

Budgetary Treatment

Section 7 would designate all receipts and spending associated with this bill as off-budget, meaning that all affected cash flows would no longer be subject to budgetary controls of the Congressional Budget Act and the Balanced Budget and Emergency Deficit Control Act.

Estimated cost to the Federal Government: CBO estimates that enactment of H.R. 701 would provide new budget authority of about $9.6 billion over the 2005–2005 period. This amount includes $9.5 billion as specified in section 5 and about $70 million from interest earnings. Total outlays from new direct spending authority would be about $1.4 billion in fiscal year 2002 and about $7.8 billion through 2005.

We estimate that the bill also would authorize the appropriation of $5.6 billion over the 2000–2005 period, including over $5.4 billion from the Land and Water Conservation Fund and about $200 million from interest earned on balances in the CARA Fund. Assuming appropriation of these amounts, CBO estimates that the resulting discretionary outlays would total $391 million in 2002 and $3.7 billion through 2005.

The estimated budgetary impact of H.R. 701 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 800 (general government).

	By fiscal year, in millions of dollars					
	2000	2001	2002	2003	2004	2005
CHANGES IN DIRECT SPENDING						
Estimated budget authority	0	0	2,393	2,393	2,393	2,393
Estimated outlays	0	0	1,394	1,845	2,196	2,354
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority	613	0	0	0	0	0
Estimated outlays	411	351	122	41	4	2
Proposed changes:						
Estimated authorization level	0	0	1,403	1,403	1,403	1,403

	By fiscal year, in millions of dollars					
	2000	2001	2002	2003	2004	2005
Estimated outlays	0	0	391	863	1,133	1,336
Spending under H.R. 701:						
Authorization level [1]	613	0	1,403	1,403	1,403	1,403
Estimated outlays	411	351	513	904	1,137	1,338

[1] The amount for 2000 is the amount appropriated for land acquisition ($467 million), payments in lieu of taxes ($135 million), and revenue-sharing payments related to wildlife refuges ($11 million).

BASIS OF ESTIMATE

For purposes of this estimate, CBO assumes that H.R. 701 will be enacted during fiscal year 2000 and that receipts from OCS activities will be sufficient to finance the entire amounts specified to be deposited into the CARA Fund each year. We also assume that the full amounts allocated to each program or grantee will be disbursed and that no such amounts will be returned to the fund in any year. Outlays for all programs have been estimated on the basis of existing similar activities.

CARA Fund

Beginning in fiscal year 2002, H.R. 701 would provide $2.4 billion in annual budget authority, allocated to activities and programs as follows:

- $1 billion to the Department of the Interior (DOI) for payments to coastal states to study and mitigate the effects of OCS activities and for related conservation programs;
- $450 million to the Land and Water Conservation Fund for federal and state land acquisition;
- A total of $575 million to provide additional funding for existing DOI grant programs, including the urban parks and recreation program ($125 million) and historic preservation fund ($100 million) operated by the National Park Service (NPS), and federal wildlife restoration ($350 million) administered by the U.S. Fish and Wildlife Service (USFWS);
- $200 million to DOI, the Forest Service, and Indian tribes for the protection of resources, including the restoration of degraded lands and related maintenance projects; and
- $150 million to the USFWS for new programs to assist state, local, or tribal agencies and nonprofit organizations in purchasing conservation easements, and to provide financial assistance to any person developing and implementing recovery plans for endangered or threatened species.

In addition, $450 million from the CARA Fund would be available to be appropriated each year for federal land acquisition. Under section 205, the Secretary of the Interior or the Secretary of Agriculture could not spend these funds on any acquisition of land unless such acquisition is approved by the Congress in an appropriation act. CBO therefore classifies the spending of this $450 million as discretionary spending.

Interest Earnings

In addition to the $2.4 billion of specified budget authority, section 5 also would make the interest earned from the investment of

balances in the CARA Fund available for fiscal assistance and other purposes, subject to certain limitations. CBO estimates that interest earnings on balances in the CARA Fund would be about $70 million annually. Spending of about $53 million of annual interest earnings would be subject to appropriation; spending of the remaining $18 million would be available without further appropriation.

Other Discretionary Spending Effects

In addition to the amounts made available without further appropriation actions from the Land and Water Conservation Fund, H.R. 701 would authorize the appropriation of up to $1.35 billion annually from the fund, also beginning in fiscal year 2002. Presently, there is no specific authorization of appropriations from Land and Water Conservation Fund, which receives deposits of about $900 million annually, mostly from OCS receipts. Federal agencies have received fiscal year 2000 appropriations of $467 million from this fund. Assuming the annual appropriation of the $1.35 billion authorized by the bill, CBO estimates that this provision would result in outlays of about $340 million in fiscal year 2002 and about $3.5 billion over the 2002–2005 period. Appropriations of the interest earnings from the CARA Fund would add another $53 million a year in outlays.

Budgetary Treatment

Section 7 would mandate that $2.825 billion of annual OCS receipts, as well as all federal spending governed by the bill, would no longer be counted as receipts, budget authority, or outlays for purposes of the federal budget, including the calculation of deficits or surpluses. Such amounts would be exempt from budget limitations imposed under any federal statute, including annual allocations of budget authority and outlays made to Congressional committees under the Congressional Budget Act. This provision does not affect the estimated cost of this legislation as reflected in the table above or the treatment of this bill for Congressional scorekeeping purposes. Implementation of H.R. 701, however, would have the effect of reducing the on-budget surplus by a total of $2.8 billion in fiscal year 2001 and by over $14 billion through 2005 because it would remove a portion of OCS receipts from the on-budget accounts. It might lead to smaller on-budget appropriations for programs currently funded from the Land and Water Conservation Fund, but CBO has no basis for predicting what that effect would be. Assuming appropriation of amounts that would be authorized by the legislation, its enactment would reduce off-budget spending by $2.8 billion in 2001 and by $2.6 billion over the 2001–2005 period.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years

are counted. Pay-as-you-go scoring does not apply to off-budget items. Therefore, the table below shows the pay-as-you-go impact on two different bases: (1) ignoring the changes in budgetary treatment specified by section 7, and (2) reflecting only the on-budget impacts that would result from implementing section 7.

	By fiscal year, in millions of dollars										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Without Change in Budgetary Treatment											
Changes in outlays	0	0	1,394	1,845	2,196	2,354	2,393	2,394	2,394	2,394	2,394
Changes in receipts	Not applicable										
With Change in Budgetary Treatment											
Changes in outlays	0	2,825	2,825	2,825	2,825	2,825	2,825	2,825	2,825	2,825	2,825
Changes in receipts	Not applicable										

Estimated impact on State, local, and tribal governments: H.R. 701 contains no intergovernmental mandates as defined in UMRA. The spending authorized by this bill would include grants for state, local, and tribal governments. These grants would be subject to various matching, planning, and maintenance-of-effort requirements. Any expenditures necessary to meet these requirements would be voluntary.

Estimated impact on the private sector: None.

Estimate prepared by: Federal costs: Deborah Reis and impact on State, local, and tribal governments: Marjorie Miller.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any State, local, or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

LAND AND WATER CONSERVATION FUND ACT OF 1965

* * * * * * *

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

* * * * * * *

CERTAIN REVENUES PLACED IN SEPARATE FUND

SEC. 2. SEPARATE FUND.—During the period ending September 30, 2015, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is here-

by established and is hereinafter referred to as the "fund", the following revenues and collections:

(a) * * *

* * * * * * *

[(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than $300,000,000 for fiscal year 1977, and $900,000,000 for fiscal year 1978 and for each fiscal year thereafter through September 30, 2015.

[(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided,* That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act.]

(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act of 1999.

[SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation.]

APPROPRIATIONS

SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than $900,000,000 in any fiscal year after the fiscal year 2001. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2001 without further appropriation to carry out this Act.

(b) OBLIGATION AND EXPENDITURE OF AVAILABLE AMOUNTS.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.

* * * * * * *

[ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES

[SEC. 5. ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. Not less than 40 per centum of such appropriations shall be available for Federal purposes. Those appropriations from the fund up to and including $600,000,000 in fiscal year 1978 and up to and including $750,000,000 in fiscal year 1979 shall continue to be allocated in accordance with this section. There shall be credited to a special account within the fund $300,000,000 in fiscal year 1978 and $150,000,000 in fiscal year 1979 from the amounts authorized by section 2 of this Act. Amounts credited to this account shall remain in the account until appropriated. Appropriations from the special account shall be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifth Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries, as aforesaid, of—

[(1) the National Park System;

[(2) national scenic trails;

[(3) the National Wilderness Preservation System;

[(4) federally administered components of the National Wild and Scenic Rivers System; and

[(5) national recreation areas administered by the Secretary of Agriculture.]

ALLOCATION OF FUNDS

SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

(1) 50 percent shall be available for Federal purposes (in this Act referred to as the "Federal portion"); and

(2) 50 percent shall be available for grants to States.

FINANCIAL ASSISTANCE TO STATES

SEC. 6. GENERAL AUTHORITY; PURPOSES.—(a) * * *

[(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

[(1) Forty per centum of the first $225,000,000; thirty per centum of the next $275,000,000; and twenty per centum of all additional appropriations shall be apportioned equally among the several States; and

[(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the

State as well as a consideration of the Federal resources and programs in the particular States.

[(3) The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 10 per centum of the total amount allocated to the several States in any one year.

[(4) The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection.

[(5) For the purposes of paragraph (1) of this subsection, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (when such islands achieve Commonwealth status) shall be treated collectively as one State, and shall receive shares of such apportionment in proportion to their populations. The above listed areas shall be treated as States for all other purposes of this title.]

(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

(2) Subject to paragraph (3), of sums in the fund available each fiscal year for State purposes—

(A) 30 percent shall be apportioned equally among the several States; and

(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

(5)(A) For the purposes of paragraph (2)(A)—

(i) the District of Columbia shall be treated as a State; and

(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

(I) shall be treated collectively as one State; and

(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.

(C) For the purposes of paragraph (1), all federally recognized Indian tribes and Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes and Native Corporations shall be equivalent to the amount available to a single State. No single tribe or Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe or Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).

(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.

* * * * * * *

[(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act: *Provided,* That no plan shall be approved unless the Governor of the respective State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the Governor. The plan shall contain—

[(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

[(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

[(3) a program for the implementation of the plan; and

[(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevent Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of

this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

[The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

[For fiscal year 1988 and thereafter each comprehensive statewide outdoor recreation plan shall specifically address wetlands within that State as an important outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the Director of the National Park Service, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority conservation plan developed under section 301 of the Emergency Wetlands Resources Act or, if such national plan has not been completed, consistent with the provisions of that section]

(d) STATE ACTION AGENDA REQUIRED.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act so long as it provides for public involvement in this process and publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the "State Action Agenda") indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 1999, a State Action Agenda that meets the following requirements:

(A) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 4 years.

(B) The agenda must be updated at least once every 4 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

(2) State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the

findings, priorities, and implementation schedules of recovery action programs to meet such requirements.

* * * * * * *

(e) PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State [comprehensive plan] *Action Agenda*:

(1) ACQUISITION OF LAND AND WATERS.—For the acquisition of land, waters, or interests in land or waters, or wetland areas and interests therein as identified in the wetlands provisions of the [comprehensive plan] *State Action Agenda* (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value)[, but not including incidental costs relating to acquisition].

* * * * * * *

(2) DEVELOPMENT.—For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more: *Provided,* That no assistance shall be available under this Act to enclose or shelter facilities normally used for outdoor recreation activities, but the Secretary may permit local funding, and after the date of enactment of this proviso not to exceed 10 per centum of the total amount allocated to a State in any one year to be used for sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use thereby made possible justifies the construction of such facilities *or to enhance public safety within a designated park or recreation area*.

(f) REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.—(1) * * *

* * * * * * *

(3)*(A)* No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. [The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoorrecreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and or reasonably equivalent usefulness and location.: *Provided,* That wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.]

(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation

facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.

* * * * * * *

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

SEC. 7. (a) * * *

* * * * * * *

(d) USE OF FEDERAL PORTION.—

(1) APPROVAL BY CONGRESS REQUIRED.—The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.

(2) WILLING SELLER REQUIREMENT.—The Federal portion may not be used to acquire any property unless—

(A) the owner of the property concurs in the acquisition; or

(B) acquisition of that property is specifically approved by an Act of Congress.

(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

(1) RESTRICTION ON USE.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress. This list shall include an inventory of surplus lands under the administrative jurisdiction of the Secretary of the Interior and the Secretary of Agriculture for which there is no demonstrated compelling program need.

(2) TRANSMISSION OF LIST.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

(B) In preparing each list, the Secretary shall—

(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

(ii) consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

(iii) consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

(iv) identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and

(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list shall include, for each proposed acquisition included in the list—

(A) citation of the statutory authority for the acquisition, if such authority exists; and

(B) an explanation of why the particular interest proposed to be acquired was selected.

(f) NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e) for the fiscal year, provides notice of the proposed acquisition—

(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

(A) the land; or

(B) any part of any federally designated unit that includes the land;

(2) in writing to the Governor of the State in which the land is located;

(3) in writing to each State political subdivision having jurisdiction over the land; and

(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

(g) COMPLIANCE WITH REQUIREMENTS UNDER FEDERAL LAWS.—

(1) IN GENERAL.—The Federal portion for a fiscal year may not be used to acquire any interest in land or water unless the following have occurred:

(A) All actions required under Federal law with respect to the acquisition have been complied with.

(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

(C) A notice of the availability of such statement or assessment and of such summary is provided to—

(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

(ii) the Governor of the State in which the land is located; and

(iii) each State political subdivision having jurisdiction over the land.

(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.

* * * * * * *

WATER RIGHTS

SEC. 14. Nothing in this title—

(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

* * * * * * *

FEDERAL AID IN WILDLIFE RESTORATION ACT

* * * * * * *

SEC. 2. For the purposes of this Act the term "wildlife-restoration project" shall be construed *to include the wildlife conservation and restoration program and* to mean and include the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition by purchase, condemnation, lease, or gift of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects; the term "State fish and game department *or State fish and wildlife department*" shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department**[**.**]***; the term "conservation" shall be construed to mean the use of methods and procedures necessary or desirable to*

sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term "wildlife conservation and restoration program" means a program developed by a State fish and wildlife department and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term "wildlife" shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term "wildlife-associated recreation" shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term "wildlife conservation education" shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.

SEC. 3. (a)*(1)* An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of the Internal Revenue Code of 1986 (26 U.S.C. 4161(b), 4181) shall, subject to the exemptions in section 4182 of such Code, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the "fund") and is authorized to be appropriated and made available until expended to carry out the purposes of this Act. So much of such appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this Act which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of Agriculture in carrying out the provisions of the Migratory Bird Conservation Act.

(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the "wildlife conservation and restoration account". Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 1999 shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportion-

ment in accordance with this Act to carry out State wildlife conservation and restoration programs.

* * * * * * *

(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 1999; or

(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.

SEC. 4. (a) * * *

* * * * * * *

(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—(1) The Secretary of the Interior shall make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than 1/2 of 1 percent thereof.

(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than 1/6 of 1 percent thereof.

(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

(i) 1/3 of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

(ii) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States.

(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

(B) provisions for the development and implementation of—

(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

(ii) wildlife-associated recreation projects; and

(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

(5) For purposes of this subsection, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, the Vir-

gin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

* * * * * * *

SEC. 8. (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the State in accordance with their respective laws. Beginning July 1, 1945, the term "wildlife-restoration project", as defined in section 2 of this Act, shall include maintenance of completed projects. Notwithstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement and public relations) of wildlife areas and resources. *Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.*

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URBAN PARK AND RECREATION RECOVERY ACT OF 1978

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TITLE X—URBAN PARK AND RECREATION RECOVERY PROGRAM

SHORT TITLE

SEC. 1001. This title may be cited as the "Urban Park and Recreation Recovery Act of 1978".

* * * * * * *

SEC. 1003. The purpose of this title is to authorize the Secretary to establish an urban park and recreation recovery program which would provide Federal grants to economically hard-pressed communities specifically for the rehabilitation of critically needed recreation areas, facilities, *development of new recreation areas and facilities, including the acquisition of lands for such development,* and development of improved recreation programs. This program is intended to complement existing Federal programs such as the Land and Water Conservation Fund and Community Development Grant Programs by encouraging and stimulating local governments to revitalize their park and recreation systems and to make long-term commitments to continuing maintenance of these systems. Such assistance shall be subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this title. It is further the purpose of this title to improve recreation facilities and expand recreation services in urban areas with a high incidence of crime and to help deter crime through the expansion of recreation opportunities for at-risk youth. It is the further purpose of this section to increase the security of urban parks and to promote collaboration between local agencies involved in parks and recreation, law enforcement, youth social services, and juvenile justice system.

DEFINITIONS

SEC. 1004. When used in this title the term—

(a) * * *

* * * * * * *

(j) "State" means any State of the United States or any instrumentality of a State approved by the Governor; the Commonwealth of Puerto Rico, and insular areas; [and]

(k) "insular areas" means Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands[.]*;*

(l) "development grants"—

(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

(2) does not include routine maintenance, and upkeep activities; and

(m) "Secretary" means the Secretary of the Interior.

SEC. 1005. [(a) Eligibility of general purpose local governments for assistance under this title shall be based upon need as determined by the Secretary. Within one hundred and twenty days after the effective date of this title, the Secretary shall publish in the Federal Register, a list of the local governments eligible to participate in this program, to be accompanied by a discussion of criteria used in determining eligibility. "Such criteria shall be based upon factors which the Secretary determines are related to deteriorated recreational facilities or systems, and physical and economic distress."] *(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:*

(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.

* * * * * * *

[GRANTS TO IMPLEMENT PROGRAM

[SEC. 1006. (a) The Secretary is authorized to provide 70 per centum matching rehabilitation and innovative grants directly to eligible general purpose local governments upon his approval of applications therefor by the chief executives of such governments.

[(1) At the discretion of such applicants, and if consistent with an approved application, rehabilitation and innovation grants may be transferred in whole or in part to independent special purpose

local governments, private nonprofit agencies or county or regional park authorities: *Provided,* That assisted recreation areas and facilities owned or managed by them offer recreation opportunities to the general population within the jurisdictional boundaries of an eligible applicant.

[(2) Payments may be made only for those rehabilitation or innovative projects which have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of a project, except that the Secretary may, when appropriate, make advance payments on approved rehabilitation and innovative projects in an amount not to exceed 20 per centum of the total project cost.]

GRANTS

SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

(A) such transfer is consistent with the approved application for the grant; and

(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities owned or managed by the applicant in accordance with section 1010.

(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.

[(3)] *(4)* The Secretary may authorize modification of an approved project only when a grantee has adequately demonstrated that such modification is necessary because of circumstances not foreseeable at the time a project was proposed.

* * * * * * *

LOCAL COMMITMENTS TO SYSTEM RECOVERY AND MAINTENANCE

SEC. 1007. (a) As a requirement for project approval, local governments applying for assistance under this title shall submit to the Secretary evidence of their commitments to ongoing planning, *development,* rehabilitation, service, operation, and maintenance programs for their park and recreation systems. These commitments will be expressed in local park and recreation recovery action programs which maximize coordination of all community resources, including other federally supported urban development and recreation programs. During an initial interim period to be established by regulations under this title, this requirement may be satisfied by local government submissions of preliminary action programs which briefly define objectives, priorities, and implemen-

tation strategies for overall system recovery and maintenance and commit the applicant to a scheduled program development process. Following this interim period, all local applicants shall submit to the Secretary, as a condition of eligibility, a five-year action program for park and recreation recovery that satisfactorily demonstrate:

(1) * * *

(2) adequate planning for *development and* rehabilitation of specific recreation areas and facilities, including projections of the cost of proposed projects;

* * * * * * *

STATE ACTION INCENTIVE

SEC. 1008. *(a) IN GENERAL.*—The Secretary is authorized to increase Federal implementation grants authorized in section 1006 by providing an additional match equal to the total match provided by a State of up to 15 per centum of total project costs. In no event may the Federal matching amount exceed 85 per centum of total project cost. [The Secretary shall further encourage the States to assist him in assuring that local recovery plans and programs are adequately implemented by cooperating with the Department of the Interior in monitoring local park and recreation recovery plans and programs and in assuring consistency of such plans and programs, where appropriate, with State recreation policies as set forth in statewide comprehensive outdoor recreation plans.]

(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.

* * * * * * *

[CONVERSION OF RECREATION PROPERTY

[SEC. 1010. No property improved or developed with assistance under this title shall, without the approval of the Secretary, be converted to other than public recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the current local park and recreation recovery action program and only upon such conditions as he deems necessary to assure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.]

CONVERSION OF RECREATION PROPERTY

SEC. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

(2) Paragraph (1) shall apply to—

(A) property developed with amounts provided under this title; and

(B) the park, recreation, or conservation area of which the property is a part.

(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

(1) of at least equal fair market value, or reasonably equivalent usefulness and location; and

(2) in accord with the current recreation recovery action plan of the grantee.

* * * * * * *

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 1013. (a) IN GENERAL.—There are hereby authorized to be appropriated for the purposes of this title, not to exceed $150,000,000 for each of the fiscal years 1979 through 1982, and $125,000,000 in fiscal year 1983, such sums to remain available until expended. Not more than 3 per centum of the funds authorized in any fiscal year may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c), and not more than 10 per centum may be used for innovation grants pursuant to section 6 of this title. Grants made under this title for projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated in any fiscal year. For the authorizations made in this section, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

[Notwithstanding any other provision of this Act, or any other law, or regulation, there is further authorized to be appropriated $250,000 for each of the fiscal years 1979 through 1983, such sums to remain available until expended, to each of the insular areas. Such sums will not be subject to the matching provisions of this section, and may only be subject to such conditions, reports, plans, and agreements, if any, as determined by the Secretary.

[(b) PROGRAM SUPPORT.—Not more than 25 percent of the amounts made available under this title to any local government may be used for program support.]

TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 1999 in a fiscal year shall be available to the Secretary without further appropriation to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

(b) LIMITATIONS ON ANNUAL GRANTS.—Of the amounts available in a fiscal year under subsection (a)—

(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

(c) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.

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[SUNSET AND REPORTING PROVISIONS

[SEC. 1015. (a) Within ninety days of the expiration of this authority, the Secretary shall report to the Congress on the overall impact of the urban park and recreation recovery program.]

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NATIONAL HISTORIC PRESERVATION ACT

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TITLE I

* * * * * * *

SEC. 108. *(a)* To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the "fund") in the Treasury of the United States.

[There shall be covered into such fund $24,400,000 for fiscal year 1977, $100,000,000 for fiscal year 1978, $100,000,000 for fiscal year 1979, $150,000,000 for fiscal year 1980, and $150,000,000 for fiscal year 1981 and $150,000,000 for each of fiscal years 1982 through 1997, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 338), and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure only when appropriated by the Congress. Any moneys not appro-

priated shall remain available in the fund until appropriated for said purposes: *Provided,* That appropriations made pursuant to this paragraph may be made without fiscal year limitation.]

(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act of 1999 in a fiscal year shall be deposited into the Fund and shall be available without further appropriation, in that fiscal year, to carry out this Act.

(c) At least ½ of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.

* * * * * * *

SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.

* * * * * * *

DISSENTING VIEWS

Despite best intentions of the authors, H.R. 701 continues to fail on four critical points: (1) basic protections for private property owners; (2) fiscal responsibility of our current national parks and public lands; (3) rights for recreational access; (4) preserving the future of America's farming communities.

H.R. 701 took a tragic turn when members of the committee voted down an amendment that would have affirmed the constitutional rights of a property owner. This amendment would have preserved the legal rights of a private landowner when agency actions threatened those rights as a result of this legislation. Such a repudiation of the 5th Amendment of the United States Constitution is alarming. As reported out of the committee, H.R. 701 has Congress turning its back on the United States landowner and failing to uphold the Constitution.

Under H.R. 701, private landowners who have taken best care of their property are likely to be the first ones targeted for Land and Water Conservation Fund acquisitions, since their land will have the highest values for wildlife. CARA penalizes sound private land management that promotes wildlife habitat, by increasing the land's value, which lead to government agencies targeting those parcels for acquisition and additional regulations. Just because the federal government is going to take over and manage lands, does not mean they will do a better job of preserving that land for wildlife and habitat. Monies designated for acquisitions would be better spent on wildlife habitat stewardship programs. In turn, the federal government actually benefits in not purchasing more lands—a point that H.R. 701 fails to recognize.

In addition, rural municipalities and counties benefit in keeping private lands private. Tax revenues will be lost when CARA financed purchases take private property off the tax rolls. This degrades basic services such as education, police and fire control. CARA provides for increased PILT payments, but does not replace all lost tax revenue.

As the government or a non-profit in a small community buys land, people are forced out of their homes. Further, everybody who desires recreational access will see some of that access diminished. There is less business to keep a retail store running, a smaller congregation to keep a church's doors open, and less reason to justify keeping a school or post office in the area. After a point, government land acquisition causes a community to lose critical mass, and it ceases to be a community.

CARA places special emphasis on targeting inholders for acquisition. Inholders are owners of private property within and surrounded by government lands. They frequently provide the most accessible and sometimes the only supplies and campgrounds for visitors to national parks, forests and wildlife refuges. Many

inholders have undeveloped property, use it for family recreation, and allow access through it to other parts of the park or forest.

Even though there is greatly increased demand for recreation, in the last 25 years, the number of privately operated campgrounds has declined by more than 30%. This has deprived inholders of a source of income and tourists and visiting families access to their own federal lands. CARA, with its unprecedented funding and power of condemnation, is a direct threat to recreational access for all Americans.

H.R. 701 includes seven trust funds taking federal tax dollars away from the legislative process and handing it directly to various state and federal agencies. Many of the purposes of these trust funds have nothing to do with the original intent of Outer Continental Shelf revenues, which is environmental mitigation of coastal areas impacted by offshore oil exploration.

As authorizers, it is negligent to continue ignoring the $5 billion maintenance backlog in our existing national parks and other federal lands that has been identified by the Appropriations Committee's Subcommittee on Interior. Unfortunately, this is exactly what CARA does. This backlog includes maintaining trails, park benches, roads, public bathrooms and improved housing and administrative offices for land management agency employees. We believe that the federal government should be properly maintaining and managing what it already owns, before approving a trust fund that will finance massive new land acquisitions.

We have the utmost respect for our colleagues who are the authors of this legislation, and it is with reluctance we submit these dissenting views. We hope that our concerns are considered by the authors and that legislative language can be incorporated into H.R. 701 before it is considered on the floor.

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MAC THORNBERRY.
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BARBARA CUBIN.
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